

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29061-2018 (O&M)

Date of Decision:-23.10.2018

Zahan Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Rosi, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.274 dated 26.4.2017 under Section 323, 341, 379, 379-B, 506 and 120-B of Indian Penal Code, 1860 and Sections 25 and 54 of Arms Act at Police Station Nuh, District Nuh.

The FIR was lodged at the instance of Israyal, wherein it has been alleged that he had taken a pond for fish farming on lease from village panchayat and that on 29.3.2017, the accused namely Zahan, Saddam, Isha, Barkat, Sokat, Iqbal and Liyakat captured about 30-40 kgs. of fishes from his pond while he had gone home for having food. It is alleged that when the complainant returned to his farm, the aforesaid accused hurled abuses and one of the accused namely Saddam also brandished a country made pistol and threatened to kill him. It is further alleged that he was also given a blow with 'stick' on his right thigh by accused Isha, who also bit him on his

back. It is alleged that Saddam gave him kick blows and threw him in the ground. while Zahan punched his face. It is also alleged that Barkat also gave blows to him with 'stick'.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that a false FIR has been registered against the accused, which has been registered belatedly inasmuch as while the occurrence is stated to have taken place on 29.3.2017, the FIR came to be lodged on 26.4.2017.

On the other hand, the learned State counsel has opposed the present petition by submitting that in view of specific allegations regarding theft of fish from the pond of the complainant and also as regards giving beatings to the complainant, no case for grant of anticipatory bail to the peittioner is made out.

Having considred the rival submissions addressed before this Court and bearing in mind the nature of allegations, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. The present petition, as such, is accepted and the interim directions issued by this Court vide order dated 13.7.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

The present petition stands accepted accordingly.

23.10.2018

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge